

MISCELLANEOUS FRUIT PRODUCTS

- 5721. Misbranding of jellied cranberry sauce. U. S. v. 41 Cases of Jellied Cranberry Sauce. Decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12363. Sample No. 35792-F.)**

This product was short-weight.

On May 13, 1944, the United States attorney for the Eastern District of South Carolina filed a libel against 41 cases, each containing 24 jars, of jellied cranberry sauce at Columbia, S. C., alleging that the article had been shipped on or about February 3, 1944, by Cranberry Cannery, Inc., from Hanson, Mass.; and charging that it was misbranded in that the statement "Net Wt. 1 Lb. 12 Oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents. The article was labeled in part: (Jars) "Ready to Serve Ocean Spray Jellied Cranberry Sauce."

On June 14, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On June 17, 1944, an amended order was filed ordering that the product be delivered to a charitable institution.

VEGETABLES*

- 5722. Adulteration of canned green beans. U. S. v. 133 Cases and 257 Cases, and 111 Cases and 130 Cases of Green Beans. Decrees of condemnation. Product ordered released under bond for segregation of the fit from the unfit portion. (F. D. C. Nos. 10745, 10746. Sample Nos. 48508-F, 48509-F.)**

On or about September 22, 1943, the United States attorney for the Southern District of Indiana filed libels against 631 cases, each containing 6 cans, of green beans at Indianapolis, Ind., alleging that the article, which had been consigned by the Springdale Canning Co., had been shipped in interstate commerce on or about June 21, 1943, from Springdale, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: (Can) "Brookside Brand * * * Cut Green String Beans Packed For Kothe, Wells & Bauer Co. Indianapolis, Ind.," or "Sun Ripe Brand Cut Green Beans * * * Packed For M. O'Connor & Co., Indianapolis, Ind." The remainder was unlabeled.

On or about November 13, 1943, the Springdale Canning Co., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond for sorting out the unfit portion and destroying it and reconditioning the balance under the supervision of the Food and Drug Administration.

- 5723. Adulteration of red kidney beans. U. S. v. 588 Bags of Red Kidney Beans. Default decree of condemnation. Product ordered released to the Welfare Department at Kansas City, Mo., for use as hog feed. (F. D. C. No. 10819. Sample No. 43433-F.)**

This product was moldy.

On September 28, 1943, the United States attorney for the Western District of Missouri filed a libel against 588 bags of red kidney beans at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 16, 1943, by Vanderveer & Coleman, Inc., from Lyons, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bag) "New York State Cockerel Brand * * * Red Kidney Beans."

On December 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered released to the Welfare Department at Kansas City, Mo., for use as hog feed.

- 5724. Misbranding of canned corn. U. S. v. 327 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10835. Sample No. 34271-F.)**

This product was not narrow grain corn of fancy quality as represented on the label, but was a wide grain corn with poor flavor in which the majority of the kernels were in the late dough stage or older.

On September 25, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 327 cases, each containing 24 cans, of corn at Charleroi, Pa., alleging that the article had been shipped on or about October

*See also Nos. 5767, 5768.

2, 1941, by the Crites Milling Co. from New Holland, Ohio; and charging that it was misbranded in that the statement "Narrow Grain Fancy Flavor" borne on the can was false and misleading as applied to corn that was not a narrow grain variety and was not of fancy quality. The article was labeled in part: (Cans) "Narrow Grain Cream Style Fancy Flavor Brand White Sweet Corn."

On November 17, 1943, the Crites Milling Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

5725. Adulteration of hominy. U. S. v. 99 Cases and 94 Cases of Hominy. Default decree of condemnation and destruction. (F. D. C. No. 11184. Sample Nos. 57641-F, 57642-F.)

On November 27, 1943, the United States attorney for the District of New Mexico filed a libel against 193 cases, each containing 24 packages, of hominy at Roswell, N. Mex., alleging that the article had been shipped on or about August 27 and October 1, 1943, in interstate commerce by the Jno. F. Achterberg Co. from El Paso, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, and larva casts. The article was labeled in part: (Packages) "Large Can-O-Hominy * * * Packed by The Can-O-Vegetables Company El Paso, Tex."

On December 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5726. Misbranding of onions. U. S. v. 800 Sacks of Onions. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10967. Sample No. 57907-F.)

This product was short-weight.

On October 18, 1943, the United States attorney for the Western District of Oklahoma filed a libel against 800 sacks, each containing 50 pounds, of onions at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about October 11, 1943, by the Rocky Ford Onion Growers Cooperative Association from Rocky Ford, Colo.; and charging that it was misbranded in that the statement on the label, "Banner Brand Sweet Spanish Onions 50 Lbs. Net," was false and misleading as applied to an article short in weight, and in that it was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On October 20, 1943, the Colorado Potato Growers Exchange, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. The onions were reweighed and brought up to the declared net weight.

5727. Adulteration of chick peas. U. S. v. 800 Bags of Chick Peas. Portion of product condemned and ordered delivered to claimant under bond for denaturing; remainder ordered released. (F. D. C. No. 10205. Sample No. 48100-F.)

This product was stored under insanitary conditions, after shipment. Many of the bags were rodent-gnawed and contained rodent excreta. Examination of samples taken from some of the bags showed that the product contained rodent excreta and rodent-gnawed peas.

On July 8, 1943, the United States attorney for the Eastern District of Kentucky filed a libel against 800 bags of chick peas at Ashland, Ky., alleging that the article had been shipped on or about February 24, 1943, in interstate commerce from St. Louis, Mo., and that it was in possession of the Golden Dream Food Corporation, Ashland, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On October 18, 1943, Swanson Brothers, Inc., Chicago, Ill., having appeared as claimant and having admitted the allegations of the libel with respect to 27 bags of the product, judgment of condemnation was entered against this portion of the product and it was ordered to be delivered to the claimant under bond for denaturing, under the supervision of the Food and Drug Administration. The remainder of the product was ordered released to the claimant.